

REMARKS

I. Present Status of the Application

The Office Action has objected to claim 2 under 37 CFR 1.75 as being a substantial duplicate of claim 11 once claim 11 is corrected.

The Office has rejected claims 11-14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is noted with great appreciation that the Office has also admitted the allowance of claims 1 and 3-10 over prior art made of record and kindly pointed out the allowable subject matter contained therein, for which courtesy, the Examiner is thanked.

In response thereto, Applicant has amended independent claim 11 to describe the claimed invention more explicitly. It is believed that no new matter is added by way of the amendments made to the instant application. After entry of the proposed amendments, Applicant respectfully traverses these objections and rejections and submits that the presently pending claims 1-14 are placed in proper condition for allowance. The reasons that motivate the above position of the Applicant are discussed in detail hereafter, upon which reconsideration of the application and claims is most earnestly requested.

II. Discussion of Claim Objections

Claim 2 has been objected to under 37 CFR 1.75 as being a substantial duplicate of claim 11.

After carefully considering the remarks set forth in this Office Action, Applicant respectfully traverses the objection as described in detail hereinafter.

As such, the present invention teaches in amended claim 11, among other things, "... *triggering the gene gun and providing a gas through the controller valve to the pressurized chamber to establish a pressure equal to or lower than 100 psi, **wherein the gas is a nitrogen gas or a helium gas**; ...*" (lines 7-9; emphasis added). Claim 1, on the other hand, recites the feature "... *triggering the gene gun and providing a gas through the controller valve to the pressurized chamber until the gas establishes a pressure equal to or lower than 100 psi; ...*" (lines 7-8). Comparing claim 2 with claim 11, claim 2, containing all features of its base claim 1, **does not** recite the limitation of "the gas is a nitrogen gas or a helium gas", as required in proposed claim 11.

Accordingly, claim 2 and claim 11 cover different scopes, respectively. Applicant respectfully asserts that claim 2 cannot be alleged as a substantial duplicate of claim 11, and the duplicate objection is no longer proper.

III. Discussion of Claim Rejections under 35 U.S.C. 112, Second Paragraph

Claims 11-14 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response thereto, Applicant has amended independent claim 11 to improve the informalities and to overcome the 112 rejections.

The term "the liquid sample solution" recited in line 17 of claim 11 has been amended to read "the sample solution" for providing sufficient antecedent basis for the limitation.

In addition, the feature regarding "the biological material is evenly injected into a target" recited in line 20 of claim 11 has been replaced with "the nucleic acid is evenly injected into a target" for correction and for providing sufficient antecedent basis for the feature.

In light of the foregoing regards, claim 11, as amended, is definite, and the rejection thereof should therefore be rendered moot. Applicant further respectfully points out that if independent claim 11 is patentable and allowable, claims 12-14, based on their dependence upon claim 11, are allowable as a matter of law, because these dependent claims contain all features of their base claim.

Hence, favorable reconsideration of the instant application and withdrawal of these rejections and objections are hereby courteously solicited.

CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,
J.C. PATENTS

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/JIAWEI HUANG/
Jiawei Huang
Registration No. 43,330

4 Venture, Suite 250
Irvine, CA 92618
Tel.: (949) 660-0761
Fax: (949)-660-0809